

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

AMERICAN ALLIANCE FOR EQUAL
RIGHTS, a nonprofit corporation,

Civil File No. 0:24-cv-01748-PJS-JFD

Plaintiff,

**ANSWER TO FIRST AMENDED
COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

vs.

TIM WALZ, in his official capacity as
Governor of the State of Minnesota,

Defendant.

Defendant Tim Walz in his official capacity as Governor of the State of Minnesota answers the First Amended Complaint of Plaintiff American Alliance for Equal Rights as follows. Any allegation not specifically admitted in this Answer is denied.

INTRODUCTION

1. Defendant admits the allegations in paragraph 1 of Plaintiff's First Amended Complaint.

2. As to paragraph 2 of Plaintiff's First Amended Complaint, Defendant admits that the Board is composed of fifteen members appointed by the Governor for four-year terms. Defendant further admits that at the time of their appointment, at least five of the 15 members must be from a "community of color" or "an underrepresented community," pursuant to Minnesota Statutes section 148E.010, subdivision 20. Defendant denies any remaining allegations in this paragraph.

3. Defendant denies the allegations in paragraph 3 of Plaintiff's First Amended Complaint.

4. As to paragraph 4 of Plaintiff's First Amended Complaint, Defendant denies that Member B is disfavored for a position on the Board because of her race. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph.

5. As to paragraph 5 of Plaintiff's First Amended Complaint, Defendant denies any alleged violation of the constitutional rights of Plaintiff's member. Defendant lacks knowledge or information sufficient to form a belief about the remaining allegations in this paragraph.

JURISDICTION AND VENUE

6. As to paragraph 6 of Plaintiff's First Amended Complaint, Defendant admits that this Court has jurisdiction over claims arising under 28 U.S.C. §§ 1331, 1343(a)(3), and 2201. Defendant denies that he has violated federal law.

7. Defendant admits the allegations in paragraph 7 of Plaintiff's First Amended Complaint.

PARTIES

8. As to paragraph 8 of Plaintiff's First Amended Complaint, Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in this paragraph.

9. As to paragraph 9 of Plaintiff's First Amended Complaint, Defendant admits that Member B was previously appointed to a position by a Minnesota governor. Defendant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in this paragraph.

10. As to paragraph 10 of Plaintiff's First Amended Complaint, Defendant admits that he is the governor of Minnesota, that this lawsuit names him as a defendant in his official capacity, and that he appoints members to the Minnesota Board of Social Work who are qualified for appointment pursuant to Minnesota Statutes Section 148E.025, subdivision 2. Defendant denies the remaining allegations in this paragraph.

FACTUAL ALLEGATIONS

11. Defendant admits the allegations in paragraph 11 of Plaintiff's First Amended Complaint.

12. As to Paragraph 12 of the Plaintiff's First Amended Complaint, Defendant denies the Board holds examinations to assess social work applicants' qualifications, but admits the remaining allegations in the paragraph.

13. Defendant admits the allegations in paragraph 13 of Plaintiff's First Amended Complaint.

14. Defendant admits the allegations in paragraph 14 of Plaintiff's First Amended Complaint.

15. As to the allegations in paragraph 15 of Plaintiff's First Amended Complaint, Defendant admits that "[a]t the time of their appointments, at least five members must be members of: (1) a community of color; or (2) an underrepresented community," pursuant to Minnesota Statutes section 148E.025, subdivision 2(e).

16. Defendant admits the allegations in paragraph 16 of Plaintiff's First Amended Complaint.

17. Defendant admits the allegations in paragraph 17 of Plaintiff's First Amended Complaint.

18. Defendant admits the allegations in paragraph 18 of Plaintiff's First Amended Complaint.

19. Defendant denies the allegations in paragraph 19 of Plaintiff's First Amended Complaint.

20. Defendant denies the allegations in paragraph 20 of Plaintiff's First Amended Complaint.

21. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 21 of Plaintiff's First Amended Complaint.

CAUSE OF ACTION

22. As to the allegations in paragraph 22 of Plaintiff's First Amended Complaint, Defendant incorporates his responses to the incorporated allegations.

23. Defendant admits the allegations in paragraph 23 of Plaintiff's First Amended Complaint.

24. The allegations in paragraphs 24–29 of Plaintiff’s First Amended Complaint assert legal conclusions to which no response is necessary.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests the following relief:

1. As to paragraphs 1 through 4 of Plaintiff’s requests for relief, no response is necessary. To the extent a response is required, Defendant denies that Plaintiff is entitled to any relief whatsoever.

AFFIRMATIVE DEFENSES

1. Plaintiff’s First Amended Complaint fails to state a claim upon which relief can be granted against Defendant.

2. Plaintiff lacks standing.

3. Plaintiff suffered no harm or damages as a result of the alleged wrongful actions of Defendant.

4. Plaintiff’s claims and causes of action, in whole or in part, are barred by Eleventh Amendment sovereign immunity.

5. Defendant reserves the right to assert further affirmative defenses as they become known or available.

WHEREFORE, Defendant asks this Court to issue its Order and Judgment as follows:

1. Denying the relief requested in the Complaint and entering judgment dismissing the Complaint with prejudice;

2. Awarding Defendant his costs and disbursements; and

3. Granting such other relief as the Court deems appropriate.

Dated: January 17, 2025

Respectfully submitted,

KEITH ELLISON
Attorney General
State of Minnesota

s/ Erin Farmer

ERIN FARMER
Assistant Attorney General
Atty. Reg. No. 0402662

NICHOLAS LIENESCH
Assistant Attorney General
Atty. Reg. No. 0392322

445 Minnesota Street, Suite 1400
St. Paul, Minnesota 55101-2131
(651) 757-1263 (Voice)
(651) 297-2576 (Fax)

ATTORNEYS FOR DEFENDANT TIM
WALZ, IN HIS OFFICIAL CAPACITY AS
GOVERNOR OF THE STATE OF
MINNESOTA